

Revisions to Product Stewardship for Carpet Regulation

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[http://www.calrecycle.ca.gov/Laws/
Rulemaking/Carpet/](http://www.calrecycle.ca.gov/Laws/Rulemaking/Carpet/)

Purpose of Regulation

- Clarify existing statute
- Establish administrative procedures
- Provide uniform competitive business environments

Overview of Regulatory Process

1. Scoping Sessions
2. Initial draft
3. Informal workshop
4. File proposed regulations and CEQA docs
5. Public comment
6. Public hearing
7. Revisions and public comment (Sept 12-noon Oct 4)
8. Adoption at public meeting (Oct - tentative)
9. File final rulemaking with OAL
10. OAL approves/disapproves (Jan 2012)

Outline of Proposed Regulation

- Purpose
- **Definitions**
- Submittals
- **Criteria for Plan Approval**
- **Annual Report Compliance Criteria**
- Civil Penalties
- **Record Retention**
- Proprietary, Confidential, or Trade Secret Information
- Service Payments to Dept of Resources Recycling and Recover

Red = change made in section

Section 18941. Definitions

(b) “Administrative fee” means payments from the carpet assessment manufacturer or stewardship organization to the department that cover the costs of its administrative, oversight, and enforcement services necessary for manufacturers or stewardship organizations to effectively implement carpet stewardship plans. The administrative fee will be paid by the individual manufacturer or stewardship organizations submitting a stewardship plan.

Section 18941. Definitions

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Section 18941. Definitions

(f) “Diversion” or “divert” means ~~any combination of waste prevention (source reduction), recycling, reuse, and composting activities that~~ which reduces or eliminate the amount of solid waste disposed at permitted landfills and transformation facilities for purposes of Division 30, including Article 1 (commencing with Section 41780) of Chapter 6 of the Public Resources Code.

Section 18941. Definitions

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Section 18941. Definitions

(1) “Transformation” means incineration, pyrolysis, distillation, or biological conversion other than composting. “Transformation” does not include composting, gasification, or biomass conversion.

- Definition is identical to existing statute PRC 40201

Section 18943. Criteria for Plan Approval

(a)(3)(A) ~~Numeric~~ Performance goals, which shall be numeric as noted, and include a description of how program goals will be achieved for the following categories:

1. Increase the recyclability of carpets.
2. Incentivize the market growth of secondary products made from post-consumer carpets.
3. Increase the reuse of post-consumer carpets (numeric goal).
4. Increase the recycling of post-consumer carpets (numeric goal).
5. Increase the diversion of post-consumer carpet from landfills.

Section 18943. Criteria for Plan Approval

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5. Increase the diversion of post-consumer carpet from landfills.

Section 18943. Criteria for Plan Approval

(a)(4)(B) Management of carpet through source reduction, reuse and recycling must be greater than, and grow at a higher rate than the management of carpet through Carpet As Alternative Fuel, Waste-to-Energy, and incineration and other forms of transformation.

Section 18943. Criteria for Plan Approval

(a)(4)(B) Management of carpet through source reduction, reuse and recycling must be greater than, and grow at a higher rate than the management of carpet through Carpet As Alternative Fuel and other forms of transformation.

Section 18943. Criteria for Plan Approval

(a)(4)(C) This Article does not modify or abrogate in any manner existing provisions of Section 41783 of the Public Resources Code related to transformation that allow jurisdictions to reduce their per-capita disposal rate by no more than 10 percent. Materials sent to transformation facilities must meet the requirement of Section 41783(a)(2) of the Public Resources Code regarding front-end methods or program to remove all recyclable materials from the waste stream prior to transformation to the maximum extent feasible.

Section 18943. Criteria for Plan Approval

(a)(5)(B) Types of ~~destinations for~~ reuse and recycling activities, processing and/or disposal by product type.

Section 18943. Criteria for Plan Approval

(a)(5)(E) Description of how each consumer that pays a carpet stewardship assessment, including but not limited to those in rural areas, will have reasonably convenient opportunities to ~~conveniently and properly~~ manage their post-consumer carpet.

Section 18943. Criteria for Plan Approval

(a)(5)(E) Description of how each consumer that pays a carpet stewardship assessment, including but not limited to those in rural areas, will have reasonably convenient opportunities to manage their post-consumer carpet.

Section 18944. Annual Report Compliance Criteria

(a)(5)(B)(2.) Data are ~~California-specific~~ to sales in California or post-consumer carpet diverted from California landfills.

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Section 18946. Record Keeping Requirements

(b) Provide the department with ~~immediate~~ reasonable and timely access, as determined by the department, to its facilities, operations, and any relevant records necessary to determine compliance with this Article, upon request. The records required by this Article shall be accessible for three years.

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What wasn't included?

- CalRecycle doesn't have the authority to change definitions in statute. AB 2398 defines carpet so we have to go with that definition.

What wasn't included?

- CalRecycle did not strike language on incentive payments as requested. CalRecycle will comment on the financing mechanism of stewardship plans when the plans are submitted.

- Thank you for listening
- Current comment period is open until noon on October 4, 2011
- <http://www.calrecycle.ca.gov/Laws/Rulemaking/Carpet/>